

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 841

Introduced by Senator Hollingsworth

February 22, 2005

An act to amend Section ~~4491~~ 4117.5 of the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

SB 841, as amended, Hollingsworth. ~~Forest practices: burning of brush-covered lands~~ Fire protection: firebreaks.

Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards related to defensible space, that are applicable to state responsibility area lands under the authority of the Department of Forestry and Fire Protection. Existing law requires a person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest covered lands, brush lands, or grass-covered lands, or any land that is covered with flammable material, to maintain around and adjacent to the building or structure a firebreak of at least 30 feet, as specified. Existing law authorizes the board to exempt from certain forest regulations the cutting or removal of trees a distance of up to 150 feet from specified structures, in compliance with the regulations of the board implementing minimum fire safety standards in state responsibility areas and the firebreak requirements.

This bill would provide that, notwithstanding any other provision of law or the provisions of a covenant, condition, or restriction regarding landscaping in a planned development, an owner of property, or his or her agent, may construct a firebreak or, at the discretion of the local fire official, implement appropriate vegetation management techniques, to ensure that defensible space is adequate

for the protection of a home or other permanent structure on the property. The bill would authorize the firebreak to be for a radius of up to 300 feet from the home or other structure, or to the property line, whichever distance is shorter.

~~Under the Wildland Fire Protection and Resources Management Act of 1978, any person, firm, or corporation that owns or controls brush-covered land within a state responsibility area may apply to the Department of Forestry and Fire Protection for permission to burn the brush from those lands. Existing law provides that cooperation by the department with any person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands, as specified, is declared to be a public purpose and requires the department to provide certain advisory service to applicants for a burning permit.~~

~~This bill would make technical, nonsubstantive changes in those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 4491 of the Public Resources Code is~~
2 ~~amended to read:~~
3 ~~SECTION 1. Section 4117.5 is added to the Public Resources~~
4 ~~Code, to read:~~
5 ~~4117.5. Notwithstanding any other provision of law,~~
6 ~~including any state statute or regulation, or city or county~~
7 ~~ordinance or regulation, or the provisions of a relevant~~
8 ~~covenant, condition, or restriction regarding landscaping in a~~
9 ~~planned development, an owner of property, or his or her agent,~~
10 ~~may construct a firebreak or, at the discretion of the local fire~~
11 ~~official, implement appropriate vegetation management~~
12 ~~techniques, to ensure that defensible space is adequate for the~~
13 ~~protection of a home or other permanent structure on the~~
14 ~~property. The firebreak may be for a radius of up to 300 feet~~
15 ~~from the home or other structure, or to the property line,~~
16 ~~whichever distance is shorter.~~
17 ~~4491. (a) Cooperation by the department, as provided in this~~
18 ~~article, with any person desiring to use prescribed burning as a~~
19 ~~means of converting brush-covered lands into forage lands,~~

1 ~~which has as its objective prevention of high intensity wildland~~
2 ~~fires, watershed management, range improvement, vegetation~~
3 ~~management, forest improvement, wildlife habitat improvement,~~
4 ~~and maintenance of air quality, or any combination thereof, is~~
5 ~~declared to be for a public purpose.~~

6 -

7 ~~(b) This article shall be administered by the director or, if~~
8 ~~responsibility therefor is delegated by the director, by the chief of~~
9 ~~a county fire department in a county contracting with the~~
10 ~~department pursuant to the provisions of Section 4129.~~

11 -

12 ~~(c) In furtherance of the provisions of this article, the~~
13 ~~department shall provide advisory service to applicants for~~
14 ~~permits as to precautions to be taken by the applicant to prevent~~
15 ~~damage to the property of others by reason of the prescribed~~
16 ~~burning, and shall provide standby fire protection, to the extent~~
17 ~~personnel, fire crews, and firefighting equipment are available.~~

O